

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

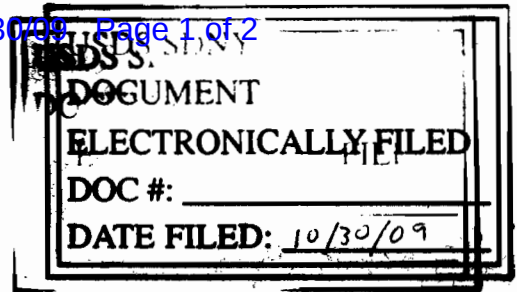
NETWORK ENTERPRISES, INC.,

Plaintiff,

-v-

SANDLER COMMUNICATIONS, INC. *et al.*,

Defendants.



No. 09 Civ. 4664 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

WHEREAS Plaintiff commenced this action on May 18, 2009 by filing a summons and complaint (Doc. No. 1); and

WHEREAS Plaintiff filed an amended complaint on August 14, 2009 (Doc. No. 13); and

WHEREAS Plaintiff served a copy of the summons and amended complaint on Defendant Sandler Communications, Inc. on August 21, 2009 and filed proof of service with the Court on September 25, 2009 (Doc. No. 18), and served a copy of the summons and amended complaint on Defendant Reality Racing, Inc. (collectively with Defendant Sandler Communications, Inc., "Defendants") on September 9, 2009, and filed proof of service with the Court on October 29, 2009 (Doc. No. 21); and

WHEREAS as of the date of this Order, it appears that Defendants have failed to answer or otherwise respond to Plaintiff's complaint or amended complaint; and

WHEREAS the Clerk of the Court issued the attached notices of Defendants' defaults on October 29, 2009; and

WHEREAS Plaintiff submitted an affirmation and exhibits in support of its application for an entry of a default judgment, dated October 29, 2009;

IT IS HEREBY ORDERED that, by December 11, 2009, Defendants shall show cause, in writing, as to why a default judgment should not be entered against them pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure; and

IT IS FURTHER ORDERED that, on December 23, 2009 at 10:30 a.m., Defendants shall appear before this Court at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, Room 21C, New York, New York, in order to show cause as to why a default judgment should not be entered against them due to their failure to respond to Plaintiff's amended complaint; and

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order on *both* Defendants by November 13, 2009; and

IT IS FURTHER ORDERED that Plaintiff subsequently file an affidavit of service with this Court, certifying that such service was effectuated.

SO ORDERED.

Dated: October 30, 2009
 New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE